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MASTER OF MILITARY STUDIES

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MORAL BLOW TO THE MARINE CORPS:  
THE REPEAL OF THE DON'T ASK DON'T TELL POLICY

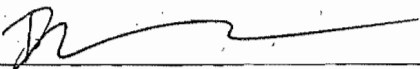
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## ACKNOWLEDGMENTS

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## EXECUTIVE SUMMARY

**Title:** MORAL BLOW TO THE MARINE CORPS: THE REPEAL OF THE DON'T ASK DON'T TELL POLICY

**Author:** Major Hans Morris, United States Marine Corps Reserve

**Thesis:** Marines strive to uphold the highest standards of ethical conduct, and a large portion of Marines see homosexual acts as morally wrong. The repeal of DADT is an ethical change of course for the Marine Corps and will have immediate and lasting effects for conservative Christians currently serving in the Marine Corps. This paper will address the gravity of the moral concerns of those who oppose the repeal and the effects it will have on them and on the implementation of new law and possible policies.

**Discussion:** This issue has been largely brushed aside by political leaders and the Department of Defense (DOD). Before Congress repealed DADT, the DOD was asked to research the issue and determine the best way to implement the repeal. The DOD Report looked only at a superficial view of the effects of repealing DADT. This report seems to have ignored the data from the survey that it conducted. The questions and the way the data was interpreted marginalized a significant portion of the military that is against the repeal. The report only briefly mentioned religious objection and did not find it to be a concern. The repeal of DADT was compared to the integration of African Americans and females and assumed that implementation will be very similar. In contrast this study points out the underlying issue of religion in this policy change and the problems that it will create in implementation. It also suggests some things that can be done to mitigate the disruption the policy change will have.

**Conclusion:** A significant portion of the Marine Corps sees homosexual acts as immoral and will be resistant to the change in policy. The way this resistance is handled will be important for the future of the Marine Corps. A heavy hand will lead to reverse discrimination.

On December 22, 2010 President Barack Obama signed the repeal of the "Don't Ask Don't Tell" Policy (DADT). He stated at the signing "No longer will our country be denied the service of thousands of patriotic Americans who are forced to leave the military - regardless of their skills, no matter their bravery or their zeal, no matter their years of exemplary performance - because they happen to be gay. No longer will tens of thousands of Americans in uniform be asked to live a lie, or look over their shoulder in order to serve the country that they love."<sup>1</sup> Homosexuals will now be allowed to serve openly in the Military. Will the acceptance of openly gay individuals into the Marines have an adverse effect on the ethics of the Marine Corps and the way Marines and others perceive the Marine Corps? Marines strive to uphold the highest standards of ethical conduct, and a large portion of Marines see homosexual acts as morally wrong. The repeal of DADT is an ethical change of course for the Marine Corps and will have immediate and lasting effects for conservative Christians currently serving in the Marine Corps. This issue has been largely brushed aside by political leaders and the Department of Defense (DOD).

While the decision to allow homosexuals to serve openly has been made, acknowledging the effect this transition will have on the service and those within it is an important step to facilitating implementation. The integration of openly gay marines will not sound the moral death knell of the USMC, but pretending this change is morally unproblematic will not strengthen the Corps either.

As a starting point it is important to understand the Marine Corps as a profession of arms.

How a profession views itself does much to shape its identity, and U.S. military officers take pride in belonging to a profession centered on high ethical standards. This belief, inculcated upon entry and constantly reinforced, appears within the profession to be self-evident. Indeed, each Service uses the term *core values* to describe ethical tenets that it regards as fundamental. The emphasis on values reflects an institutional

understanding that it is a profession wherein the potential cost of bad decision making is especially high.<sup>2</sup>

A military force is not a direct reflection of the nation that it serves. In some cases in history the military has been a very ugly part of society; the SS in 1930's and 1940's Germany are one example. The United States Marine Corps is not a direct representation of American society. It has a distinct reputation to the American people, to the world, and to the Marines themselves. "The few and the proud!" The Marines are seen as a cut above general society. Not everyone has what it takes to be a Marine and not everyone can live up to the standards and the commitment necessary to carry out the duties that the country expects of a Marine. Marines learn in boot camp "that a Marine never lies, cheats, or steals, or tolerates those that do." A Marine is expected to place service before self. High standards are set for Marines in personal appearance, physical fitness, tactical and technical proficiency, and ethical conduct. Crimes that happen hundreds of times a day in general society become headline news when they are committed by a Marine. Marines are trusted to get the mission done with less and to do the right thing no matter the situation they are placed in.

This paper will address the gravity of the moral concerns of those who oppose the repeal, the effects it will have on them, and the implementation of the new law and possible policies. Much of the policy governing the repeal of DADT is derived from an extensive DOD report and survey conducted in 2010. That report along with an updated RAND study on sexual orientation and U.S. military Personnel Policy, provide an extended examination of public and military beliefs concerning homosexuality and the inclusion of openly homosexual service members in the U.S. Armed Forces. After evaluating these studies findings and recommendations this paper will discuss some of the moral concerns these studies have downplayed. The purpose of this effort is to provide better context for the final section, which will examine issues associated with

implementing the repeal. While currently underway, the effects of the repeal will be felt for a long time to come. A clear understanding of these issues will better prepare the Marine Corps to deal with rather than simply paper over the inevitable concerns that will arise.

### **DOD Report and RAND Study**

Before Congress repealed DADT, the DOD was asked to research the issue and determine the best way to implement the repeal. They were not asked if it should be repealed, but how it was to be done. As seen in the opening paragraph of the Executive Summary of the DOD Report of the Comprehensive Review of the issues Associated with a Repeal of DADT.

Our assignment from the Secretary was two-fold: 1) assess the impact of repeal of Don't Ask, Don't Tell on military readiness, military effectiveness, unit cohesion, recruiting, retention, and family readiness; and 2) recommend appropriate changes, if necessary, to existing regulations, policies, and guidance in the event of repeal. The Secretary directed us to deliver our assessment and recommendations to him by December 1, 2010. This document constitutes our report of that assessment and our recommendations. The Secretary also directed us to **develop a plan of action to support implementation of a repeal** of Don't Ask, Don't Tell.<sup>3</sup>

Because of its objective, the report presents survey results in a manner that downplays challenges of implementation. Even their carefully worded questions show very disturbing data that the Report seemed to ignore or rationalize. The data was presented in such a way as to marginalize the people who do not accept homosexual behavior, even though in every category questioned they greatly outnumbered the supporters. The numbers for the people in the middle who do not care or are indifferent were added into the figures for the supporters of the repeal. For example this is the conclusion the report came to for question number 73 in the survey of Military personnel, and the actual question and results below.<sup>4</sup>

In addition, the survey also asked questions about morale. In question 73, Service members were asked how their level of morale would be affected if Don't Ask, Don't Tell were repealed. Consistent with responses to similar questions about effects on unit effectiveness, cohesion, and readiness, 62% of Service members responded that repeal

would have a positive, mixed, or no effect on their morale, while 28% said it would have a negative impact on their morale.<sup>5</sup>

Table 11. Service Member Perception of Impact of Repeal on Morale

Question 73. If Don't Ask, Don't Tell is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how, if at all, would your level of morale be affected?

Positively / Very Positively 4.8%

Equally as positively as negatively 13.2%

No effect 43.6%

Negatively / Very Negatively 27.9%

Don't know 10.5%

The report bunched everyone else with the positive, because 62% positive, mixed, or no effect to 28% negative sounds much better than 5% positive to 28%. All of the data was presented in this way, which gives the impression that the effect of the repeal will be minimal. While it would be disingenuous to argue that implementation will be impossible, it should not rest on overly optimistic views.

One issue the DOD report asked questions about was trust. Trust has huge effects on morale in a group. The military will always have personality problems with individuals, but when 60% of combat arms Marines feel that they will have negative trust issues in their unit with open gays (question 68c); that is a serious problem. Only 8% felt trust would be strengthened.<sup>6</sup> The DOD report did not elaborate on this finding, but it is precisely the sort of concern leaders will need to manage as they implement the repeal.

The wording used in the survey questions is very deceptive as well. Question 68a is "If DADT is repealed and you are working with a Service member in your immediate unit who has said he or she is gay or lesbian, how would it affect...how Service members in your immediate unit work together to get the job done?"<sup>7</sup> The results of the question were predictably benign. The question was asking about efficiency of the group as a whole. Ask a Marine if his unit can complete their mission after the loss of service member and you will get "yes" for an answer, but

that doesn't mean that service member was unimportant. The question should have been "How would Service members in your unit (or you) work together with that individual?" That is what the issue is, and that is what they did not want to know. Does that individual add efficiency or decrease it? Do they help the mission or hurt it? We know that the mission will still get done? You can kill half the Marines and the mission will still get done, but that does not make it helpful. A drop of alcohol in a glass of water does not make the water unusable, but that does not mean alcohol is good for hydration. By looking at the effectiveness of the unit as a whole instead of the effects of the individual, the message becomes "there is no problem here, only a problem perceived by those who are ignorant and have not been around homosexuals."

This message was clearly received by the media. In an article in *Psychiatric News* January 7, 2011, by Mark Moran he states;

Concerns among some active-duty service members about the effects of repealing "Don't Ask, Don't Tell" do not appear to reflect the experience of military members who have served side by side with gay soldiers.

Negative views of repeal were greatest among troops engaged in combat. While the percentage of the overall U.S. military that predicts negative or very negative effects on their unit's ability to "work together to get the job done" is 30 percent, the percentage is 43 percent for the Marine Corps, 58 percent within Marine combat arms units, and 48 percent within Army combat arms units.

But the report emphasizes that these figures represent expectations about the effects of repeal that do not appear to reflect the experience of service members who have served under or with gay service members.<sup>8</sup>

The report failed to ask questions of why someone would behave in a certain way. The questions were very general and only glossed over the surface of the issues. For example, a person may have problems with his neighbor, but he might not move because of it. A problem would have to be very severe to make someone move their household. On question 96, 25% of Marines answering that they would move off base if a gay couple moved into the housing area, this finding is significant. Whether they would actually move is doubtful, but it shows that this is a major issue to them. Another 22.2% said they would be uncomfortable, but would stay for

other reasons. On question 95 only 30.4% indicated that they would continue to participate in military family programs if gay couples were there.<sup>9</sup> What would make these Marines act in this way? Most Marines admit to having gay family members and homosexuality is widely accepted in general society and has been very prevalent in the American education system for many years. No one can make the claim that Marines are ignorant of homosexuality. It is true that most Marines who are against the repeal will not give up their livelihood because of it, but that does not mean that they will embrace it. They will deal with it as a necessary evil, but it will eat away at their organizational pride like unseen termite damage, at least this seems to be the consensus gathered from one on one conversations. Most Marines who oppose the repeal will not get out, because they would have to get a job in the civilian world and they would still face the same issue. The report and the survey again missed the point on question 81:

Overall, more than 60% of Service members told us that their career plans would not change as a result of repeal; 13% said that they would definitely leave sooner than they had otherwise planned; and 11% said they would think about leaving sooner than they had planned. (See Table 9.)

Table 9. Service Member Intentions to Remain in the Military if Don't Ask, Don't Tell is Repealed

Question 81. If Don't Ask, Don't Tell is repealed, how, if at all, will your military career plans be affected?

Overall My military career plans would not change 62.3%

I will stay longer than I had planned 1.7%

I will think about staying longer than I had planned 1.8%

I will think about leaving sooner than I had planned 11.1%

I will leave sooner than I had planned 12.6%

Don't know 10.5%

Again they looked at the 23.7% of people with a serious problem with this issue as unimportant. In the next question they did recognize that this issue is not the only thing that affects people's career decisions (question 82), but the only data of use was that 7.6% felt this issue was more important than anything else in their decision making.<sup>10</sup>

The most grievous example of the report missing the whole point and ignoring the numbers is question 88.

If Don't Ask, Don't Tell is repealed and you are assigned to share a room, berth or field tent with someone you believe to be a gay or lesbian Service member, which are you most likely to do?

Take no action 13.8%

Discuss how we expect each other to behave and conduct ourselves while sharing a room, berth or field tent 22.6%

Talk to a chaplain, mentor, or leader about how to handle the situation 3.2%

Talk to a leader to see if I have other options 38.1%

Something else 13%

Don't know 9.3%

The report said that less than 0.1% of respondents indicated that they would resort to violence. That doesn't sound good to me. These numbers look very bad indeed. 76.9% of Marines indicated that they would take some kind of action if they had a homosexual roommate. Why would they need to take action if they were fine with it? 9.3% don't know, or they do know, but didn't want to say. 13.8% said "take no action", but that doesn't mean that all of them would like it, it just means they would go along with it. A woman may put up with a boss that sexually harasses her at work, because she needs the job and it is worth putting up with the harassment, but that doesn't make it acceptable.<sup>11</sup> The question that was ignored was "do you want to serve with an open homosexual?" Many questions could go into why and what that would mean to the individual, but the primary issue was ignored. If in fact most military personnel do not mind then why not ask them and prove it.

The DOD Report and RAND studies were conducted in a very politically correct manner, which caused it to miss the key points since this is not a politically correct subject. The RAND Corporation did not look at the moral dilemma for those serving who feel that homosexual acts are a sin. The survey data they looked at perceptions and experiences of homosexual service, a whole chapter was devoted to sexual orientation and disclosure, and from

the general population's opinions on who should be allowed to serve.<sup>12</sup> There are two very opposing moral sides of this issue that the reports missed. The moral side that will cause the difficulty is the one of interest for implementation. We will discuss it in the next section.

### **Ethical Dimensions of Implementing Repeal**

There are several arguments that have been used to support the repeal of DADT. These arguments do not account for the moral objections of those who see homosexual acts as a sin. This section will look at those arguments with that aspect in mind.

The argument that "units currently have homosexuals secretly serving and the units are effective anyway, so why not let the homosexuals serve openly" is erroneous, because units succeed in spite of the weaknesses of individuals. Every unit is made up of flawed individuals. That does not mean we should learn to embrace flaws as acceptable. This erroneous argument seems to be the conclusion of the DOD report as well as the Report of the General/Flag Officers' Study Group.<sup>13</sup> This group of supposedly bipartisan retired flag officers was funded by the Palm Center at the University of California, Santa Barbara. These four officers came to the same conclusion as the center that was funding them after reviewing the center's data and literature; this was in contrast to the more than 1,000 flag officers who disagreed in an open letter to the President in March 2009.<sup>14</sup>

Several questions in the DOD survey were aimed at past experience with alleged homosexuals in military units and the effectiveness of those units. They could also have a question about the effectiveness of units who had some personnel with mustaches and get similar pointless data figures. Those same units have drug users, wife beaters, adulterers, thieves, and alcoholics too, but none of those behaviors are condoned. The military succeeds in spite of the weaknesses of individuals. There is no need to make flaws acceptable. People who do these

other unacceptable acts have also gone to war and have also sacrificed, but that has nothing to do with the correctness of the act, it is just the reality of the human condition. The Marine Corps rightfully expects more out of its Marines than they are always capable of. Not everyone is Marine material. Many Commanders have had outstanding Marines who performed very well for them and when they were caught on a urinalysis with illegal drugs in their blood, those Commanders had no problem recommending that they be discharged. The military should not lower its standards to appease everyone, but now that it has been changed we must figure out how to mitigate the damage that it will have in our corps ethics and morals.

Many have made the argument that allowing homosexuals to serve openly is the same thing as desegregation with regard to blacks and whites.<sup>15</sup> This is not the case. Racism in the United States stemmed from beliefs concerning the inherent inferiority of non-whites. With sexual orientation, even when the individual is known for their strengths and weaknesses, the behavior that the other person sees as immoral continues to drive a hidden wedge, or in some cases not so hidden.

A more appropriate analogy for conservative Christians would be to compare homosexual acts to adultery. Many heterosexuals commit adultery. This is unacceptable behavior to most people and causes a trust issue between coworkers even if it is occurring out of the work place. This is the reason why under the Uniform Code of Military Justice adultery is listed as a crime while in the civilian sector it is not. The negative effects on the unit are actually one of the elements of the crime.<sup>16</sup> If an individual cannot be trusted to be faithful to their spouse why would you trust them in lesser things? This does not mean that those who see homosexuality as wrong and homosexuals will not be able to work together. As professionals

they will do what is necessary to get the job done, but the mutual suspicion and distrust that may exist will not be remedied with sensitivity and awareness training.

The DOD report also compares this issue with the integration of women into the military. It states "the introduction and integration of women into the armed forces has made our military stronger."<sup>17</sup> Where is the data to support that statement? Does a squad of Marines with a female perform better than one without? Our military is better than it used to be, true, but is that because the military has females or is it just progress in technology and training? Does a unit or a ship in fact perform better with females integrated into it or not? That study will not get funded anytime soon, because that issue is about equality not efficiency. What they are trying to imply is that the military will be better with homosexuals openly serving than it is without, but again where is the data to back that up? Sometimes the high road must be taken not because it is easier or more cost effective, but because it is the right thing to do. Females are in the military because society decided it was the right thing to do, not because it makes the military more efficient, or stronger. By making unfounded claims such as "the military will actually be stronger for making this policy change,"<sup>18</sup> the DOD Report only diminished the legitimacy of their argument. Accepting homosexuals will not make the military more efficient; it will most likely make it less efficient. The extent that it loses efficiency will be very hard to measure, but friction is never good unless you are making brakes. Anything that causes distrust, bad feelings, or resentment will cause friction and will reduce efficiency. The new classes and lost work time to implement the new policies will create inefficiency in and of themselves, to include dealing with the individuals who must be disciplined for not following the policies.

The issue that has been downplayed is that many people feel that homosexual acts are morally wrong. A 2008 survey found that 48 % of Americans believed homosexual acts were a

sin.<sup>19</sup> The DOD Report shrugs this issue off as not important by stating; "Service members will not be required to change their personal view and religious beliefs; they must, however, continue to respect and serve with others who hold different views and beliefs."<sup>20</sup> That statement is politically correct, but provides little guidance for those service members who will struggle with the new policy. This issue is more than state law, federal law or even the Constitution; to many it is God's word. Scripture provides clear guidance concerning homosexual acts; legislation and governmental policies will not change them.

If a man lies with a male as he lies with a woman, both of them have committed an abomination. (NKJV Leviticus 20:13)

<sup>24</sup> Therefore God also gave them up to uncleanness, in the lusts of their hearts, to dishonor their bodies among themselves, <sup>25</sup> who exchanged the truth of God for the lie, and worshiped and served the creature rather than the Creator, who is blessed forever. Amen. <sup>26</sup> For this reason God gave them up to vile passions. **For even their women exchanged the natural use for what is against nature.** <sup>27</sup> **Likewise also the men, leaving the natural use of the woman, burned in their lust for one another, men with men committing what is shameful,** and receiving in themselves the penalty of their error which was due. <sup>28</sup> And even as they did not like to retain God in *their* knowledge, God gave them over to a debased mind, to do those things which are not fitting; <sup>29</sup> being filled with all unrighteousness, sexual immorality, wickedness, covetousness, maliciousness; full of envy, murder, strife, deceit, evil-mindedness; *they are* whisperers, <sup>30</sup> backbiters, haters of God, violent, proud, boasters, inventors of evil things, disobedient to parents, <sup>31</sup> undiscerning, untrustworthy, unloving, unforgiving, unmerciful; <sup>32</sup> who, knowing the righteous judgment of God, that those who practice such things are deserving of death, **not only do the same but also approve of those who practice them.** (NKJV Romans 1:24-32)<sup>21</sup>

This makes the argument different from the desegregation argument, because since Jesus came there is no distinction between races, yet homosexual acts are still condemned. This paper will not debate the morality of homosexual acts. For most people who do not believe the Bible is the word of God it is pointless to discuss it with them. However it must be recognized that many people do feel this way and will not just accept this change of policy with enthusiasm. The Bible also takes it so far as to condemn anyone who approves of the behavior not just those who practice it. This makes the new policy a very complicated proposition. These Conservative

Christians should not be ignored in considering implementation and should not be discriminated against, because of their religious faith.

Because all Marines must implement the new policy fully, they must remain silent when leading or serving with an openly gay Marine. To do otherwise would contribute to insubordination and a poor command climate. Conservatives will not be allowed to say anything that may be taken as offensive to homosexuals or they would create a hostile work environment for the homosexuals. Yet the new policy will be the definition of a hostile work environment for anyone who believes homosexual acts are wrong. Conservative Christians will have to accept behavior they find offensive. Under DADT homosexuals were forced to hide who they are. In the new era Conservative Christians will likely have to do the same. They may have to lie about who they are and what they believe to keep their jobs.

Upon the President's signing of the repeal there was great merriment on the floor of Congress, and many people celebrated. For those individuals a great battle had been won. For many others in this country and in the military a great battle had been lost. The manner with which this situation was handled only embittered them. They received the message that their values and God are not American and that their opinion was not valued. As we have learned from history the victory may be easier than keeping the peace afterwards. Unless you have destroyed your enemy it is better not to insult him with the terms of the peace or the peace will not be lasting. If the goal is to have homosexuals fully accepted and integrated into the military culture, then alienating others will not be effective. Any actions that seek restitution, reprisals, or retaliation will deepen the fracture. Christians see this as yet another attack on them, and while the policy must be implemented fully, the services will help to reduce the friction of implementation by taking a clear eyed look at the challenges that lie ahead.

## **Mitigating Implementation Issues**

Now that we have clarified the areas of disagreement and concern surrounding the open service of homosexual Marines, we need to focus on mitigating factors that can be emplaced for everyone's benefit. Some things need to be recognized as constants first. One, homosexual acts are condoned by the Government; therefore governmental granted authority should never be used to deter homosexual acts. This means that no one may use his authority to try and convert homosexuals or get involved in their sex life, any more than they would for a heterosexual. Two, homosexuals must be treated fairly, with no difference in rights benefits and treatment than heterosexuals. Three, per the First Amendment of the Constitution, no one else individually has to accept homosexual acts as acceptable (based on freedom of speech and freedom of religion). The DOD report stated that of Chaplain endorsing agencies: "A significant portion of the respondents did suggest that a change in policies resulting in free exercise of religion or free speech rights being curtailed would lead them to withdraw their endorsement."<sup>22</sup> The issue here is really freedom of speech. Chaplains already counsel sinners of all kinds so there will be no change in the nature of their business. What would create dissent is if a Chaplain were forced to censure his religious counsel to conform with DOD policy.

There have been a number of efforts to look at how to implement the new policy while minimizing friction. In a study conducted by the RAND Corporation they recommended the following for implementation of a repeal of DADT:

Based upon the research conducted in this study, key elements of an implementation strategy were identified: (1) the message of policy change must be clear and must be consistently communicated from the top; (2) the option selected should be implemented immediately; (3) emphasis should be placed on behavior and conduct, not on teaching tolerance or sensitivity; (4) leadership must send messages of reassurance to the force; (5) leaders at all levels should be empowered to implement the policy, with special training provided if necessary; and (6) a monitoring process should be established to identify problems early in the process and to address them immediately.<sup>23</sup>

I agree with the stated method above for implementation. The difficulty will be in the very last line "to address them immediately". This requires clear, non-discretionary regulations to force a change in behavior. At the same time Commanders need to have the ability to be peacemakers rather than law enforcers. They must have discretion to make situations work and not be confined by strict policy. This discretion may slow down the process of implementation based on the Commander's judgment. The key will be to provide clear guidance, while allowing Commanders flexibility to meet the circumstances of their specific units.

Although we have opposite opinions with regard to the repeal of DADT, I agree with Dr. Tammy S. Schultz of the Marine Corps War College, that "In any organization- it is not wise to assume homogeneity of group belief."<sup>24</sup> People will never agree on this situation, but we have to work together as effectively as possible, because we are all here for the greater good of our country regardless of our individual opinions on individual matters. Dr. Schultz has recommendations for policy formulation that I agree with as well. She says that any policy that we implement must be simple and cannot try to cover every situation. We must allow commanders the flexibility to solve problems at the lowest levels.<sup>25</sup>

For example; specific guidelines for billeting and restrooms will have endless problems since implementation at different locations will have varying issues that cannot be foreseen or easily corrected particularly in field environments, at combat outposts, or forward operating bases. In these locations facilities are sometimes rudimentary and improvisation and initiative will have to be used to solve the problems. If strict guidelines are set, it will hinder operations by taking attention off of tactical matters. The DOD Report states: "We do *not* recommend segregated housing for gay or lesbian Service members.- Accordingly, we recommend that the

Department of Defense expressly prohibit berthing or billeting assignments based on sexual orientation.”<sup>26</sup>

Personal privacy will have to be protected for everyone. In the military much of individuals' personal privacy is given up, but it has been maintained between male and female at much cost in facilities and in ships. No straight Marine should have to be roommates with a homosexual Marine or vice versa, if they are not comfortable with it. The report indicates that Commanders can make other arrangement on a case by case basis, but that puts Marines in a bad situation. What if the Commander does not want to bother moving them or what if the Marine is afraid to ask?

The report seeks to down play this concern by noting “The reality is that people of different sexual orientation use shower and bathroom facilities together every day in hundreds of thousands of college dorms, college and high school gyms, professional sports locker rooms, police and fire stations, and athletic clubs.”<sup>27</sup> This argument does not work for Marines. The people listed above have a choice; they can shower at home, they can work somewhere else, they can quit. Currently straight Marines in the Corps came in with an expectation that they would not have to live with a homosexual, and they cannot quit without facing criminal charges. The only thing worse than a hostile work environment, is a hostile billeting or bathroom environment. This is not an argument about rape or sexual assault. This is about the right to be comfortable in your home. Just as a person has the right to work in an office free of sexual comments that make them feel uncomfortable, they have the right to be comfortable in the restroom or their bedroom. The DOD report states that:

At present, Service members serve alongside others of different backgrounds, beliefs, races, and religions, reflective of American society as a whole. This already includes gay men and lesbians, and most Service members recognize that. It would be inappropriate,

unworkable, and unfair to others to adopt a policy that permits release based on an assertion of incompatibility with or intolerance for gay men and lesbians.<sup>28</sup>

Making straight Marines fulfill their contract is reasonable, but implying that they gave up the right to be comfortable and have no right to privacy from homosexuals is absurd. Male and female Marines have to share fighting holes at times and it is not a problem, but they do not go back to the rear and shower together. The field environment brings certain elements of necessary discomfort; a barracks room should be a place of relaxation and peace. This argument goes both ways. Homosexuals would likely not be comfortable being roommates with an individual who was against homosexuality. Even if both of them behaved correctly and were polite to each other, both of them would likely be uncomfortable with the situation.

The DOD report looked at cost based on their billeting assumptions. First they assumed that additional benefits such as on-base housing would not be provided.<sup>29</sup> With the President having announced his desire to repeal the Defense of Marriage Act (DOMA), there may be a need to provide these benefits in the coming years. What is more, fair is equal; if homosexual acts are permissible then homosexuals should be given fully fair treatment and base housing should not be held back from them. This will mean huge costs for the Marine Corps in particular since E-3 and below currently live two Marines per room in the barracks, and the Marine Corps is already short on barracks space, since the 202,000 personnel increase. If Congress is serious about making this work they will have to fund huge amounts on facilities immediately and rush the contracting of new barracks. The drawdown of forces in Operation Iraqi Freedom and Operation Enduring Freedom will add to this billeting shortage, with the possible drawdown of total troops from 202,000 not projected to occur for several more years. In the mean time off base housing will have to be funded to make up the deficit. The fair way to implement that is by rank and time in grade. Sexual orientation should not be used to determine

off base privileges, since this would cause problems of perceived favoritism, even if it was done under other intents such as protection.

If implementation is not executed carefully then the new problems created will be far worse than the problems that are attempting to be corrected.

## **Reverse Discrimination**

The repeal of DADT has the possibility of persecuting a new group, particularly conservative Christians. New policies of this nature tend to have a pendulum swing effect when implemented. After "Tail hook" in the 90's sexual harassment claims became a nightmare. Almost 20 years later things have leveled off. Men and women work effectively together. Harassment claims seem to be handled in a more professional manner, and properly investigated or dealt with. The same level-headed approach needs to be applied to the repeal of DADT. Claims of harassment or discrimination need to be handled fairly and investigated fully, without rash action. Matters involving personal safety need to be handled immediately, but disciplinary action and administrative actions should be done only at the completion of any investigative actions, and handled at the lowest levels authorized by the UCMJ.

Once the military establishes an issue as a matter of "civil rights," it does not do things halfway.—"zero tolerance" policies that would punish anyone who disagrees. Any military man or woman who express concerns about professed(not discreet) homosexuals in the military, for any reason, will be assumed "intolerant" and suspected of harassment, bad attitudes, or worse. Attitudes judged to be unacceptable will require disciplinary action and denials of promotions—penalties that end military careers.<sup>30</sup>

Even without the fears of reverse discrimination the new political climate changes expectations for what behavior is acceptable. Currently people with confederate flag tattoos are not allowed to enlist, because their tattoo may offend someone, even though it means different things to different people. The military and especially the Marines have acceptable ways of thinking and acting. The military must be very careful what we allow and what we do not allow.

These decisions cannot be made lightly. Marines give up some of their constitutional rights to be able to protect the constitution, but when we go too far the whole point is lost and it just becomes a job. Controlling thoughts, actions and words has good and bad effects regardless of the intent.

Freedom of speech and religion are our most important rights as Americans. By trying to protect one group are we persecuting another? Do we want Marines to be moral ethical warriors protecting the Constitution or neutral mercenaries working for a paycheck and benefits? One reason the Marine Corps is great is because it recruits a certain type of volunteer. Who is it that America wants? A corporate tax attorney teaching a kindergartener or a kindergarten teacher doing corporate taxes may not be the best fit. Neither job is more important than the other, but they require different skill sets and different moral qualities. Not everyone makes a good Marine, and we want good Marines not just Marines. A Marine cannot and should not be all things to society. Marines are the defenders of the Constitution and our way of life, not a social experiment.

We must be careful not to destroy what has made us great in the name of progress and change. A Marine is the sheepdog not one of the sheep, making him more like the sheep may make the sheep feel better about themselves, but it will not make them safer. A Marine should be confident, daring, and enthusiastic, yet moral, conscientious, just, and humble enough to laugh at himself. Changing just to change is dangerous. Change is only progress if it makes you better than what you were. In the words of President Obama *Christians will now* "look over their shoulder in order to serve the country that they love,"<sup>31</sup> and have served since its founding as a nation built on Christian principles. The Corps must be careful to protect conservative Christians just as much as it protects homosexuals.

## Conclusion: The Moral Dilemma

The military officer belongs to a profession upon whose members are conferred great responsibility, a code of ethics, and an oath of office. These grant him moral autonomy and obligate him to disobey an order he deems immoral; that is, an order that is likely to harm the *institution writ large*—the Nation, military, and subordinates—in a manner not clearly outweighed by its likely benefits.<sup>32</sup>

Marines and particularly Marine Officers who believe homosexuality is morally wrong have been placed in a dilemma. The vast majority will likely choose to follow orders for the overarching good of the nation, and will not choose to dissent from following the new policies. Some feel that following policies set by the civilian leadership without regard to moral and ethical considerations is the duty of the military and that military members are not at liberty to dissent for any moral reason, and that doing so undermines the Constitution, as seen below.

Furthermore, military leaders who claim that they are resigning for moral or professional reasons are imposing their own conceptions of morality and professional behavior on the country. While there may be general group norms, these kinds of judgments always vary by individual. Even supposed norms provoke considerable disagreement within the military. Resigning because of moral doubts also violates the military's subordination to civilian authority and contravenes an officer's oath to support and defend the U.S. Constitution.<sup>33</sup>

Trying to remove morality and ethical decision making is impossible, making changes to them is difficult and should be done only after serious consideration of the consequences. In a system that changes civilian leadership frequently, where policies are made and then abolished issues that affect morals and ethics in a standing professional military should be dealt with carefully. Great danger comes from teaching people to follow orders no matter the cost and to ignore all their instincts and feelings. Very few Marines are lawyers, but most have a sense of right and wrong. If they ignore right and wrong they will have very weak ground to stand on in disobeying illegal orders. This is not the military the nation wants. The implementation of the repeal must be sensitive to these issues. The methods and details of the new policies are very important. Forcing individuals to decide between dissent and morality is dangerous. For two

reasons: one, for those who choose dissent it creates havoc in the system and good individuals will be lost; secondly, for those who choose to ignore their moral obligations they have taken a huge step towards blind obedience and they will be more susceptible to following illegal orders as well as immoral ones.

The concept of *integrity*, defined as doing what is right both legally and morally, is enshrined in the professional ethics of the Army, Navy, and Marine Corps. The Army lists among its values *Selfless Service*, defined as "Putting the welfare of the nation, the Army, and your subordinates before your own." Although *Loyalty* is also one of the Army values, it is defined as an obligation to safeguard the welfare of subordinates. Obedience is not listed among any Service's core values or code of ethics—nor does it appear as an area of evaluation on fitness reports, although moral courage does.<sup>34</sup>

Many would argue that the repeal of DADT makes the military stronger. Sometimes stress can strengthen something, but not if it breaks it. If this issue is pushed to the point that it breaks the services' core values and codes of ethics to the point that they are not taken seriously by the military personnel or by the nation, the military and the nation will be in serious danger.

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<sup>1</sup> Barack Obama. "Remarks by the President and Vice President at Signing of the Don't Ask, Don't Tell Repeal Act of 2010." Washington D.C.: Office of the Press Secretary, December 22, 2010 (Obama 2010)

<sup>2</sup> (Milburn 2010)(Milburn 2010) Andrew R. Milburn "Breaking Ranks: Dissent and the Military Professional." *Joint Forces Quarterly* (NDU Press), October 2010 <http://www.ndu.edu/press/breaking-ranks.html>.

<sup>3</sup> U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 1.

<sup>4</sup> (DOD 2010, 70) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 70.

<sup>5</sup> (DOD 2010, 75) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 75.

<sup>6</sup> (DOD 2010, 75) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 75.

<sup>7</sup> (DOD 2010, 75) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 75.

<sup>8</sup> Mark Moran. "Most in Military Expect Few Problems After Law's Repeal." *Psychiatric News* (American Psychiatric Association) 46, no. 1 (Jan 2011): 12.(Moran 2011, 12)

<sup>9</sup> (DOD 2010, 231) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 231.

<sup>10</sup> (DOD 2010, 69) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 69.

<sup>11</sup> (DOD 2010, 67) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 167

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<sup>13</sup> Hugh Aitken, Robert Gard, Minter Alexander, and Jack Shanahan. *Report of the General/Flag Officers' Study Group*. Essay, Santa Barbara: Palm Center, 2008(Aitken, et al. 2008)

<sup>14</sup> Hugh Aitken, Robert Gard, Minter Alexander, and Jack Shanahan. *Report of the General/Flag Officers' Study Group*. Essay, Santa Barbara: Palm Center, 2008(Aitken, et al. 2008)

<sup>15</sup> Hugh Aitken, Robert Gard, Minter Alexander, and Jack Shanahan. *Report of the General/Flag Officers' Study Group*. Essay, Santa Barbara: Palm Center, 2008

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<sup>16</sup> (Uniform Code of Military Justice n.d.)

<sup>17</sup> (DOD 2010, 87) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 87.

<sup>18</sup> (DOD 2010, 120) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 120.

<sup>19</sup> (Stetzer 2008) Ed Stetzer. *American Beliefs about Same Sex Attraction*. Survey, Lifeway Research, 2008, <http://www.sbcthewayout.com/survey.html>.

<sup>20</sup> (DOD 2010, 12) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 12.

<sup>21</sup> "Scripture taken from the New King James Version. Copyright © 1982 by Thomas Nelson Inc. Used by permission. All rights reserved." Other references are: Leviticus 18:22, 1 Corinthians 6:9-11, 1 Timothy 1:8-10.

<sup>22</sup> (DOD 2010, 135) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 135.

<sup>23</sup> (Rostker 2010, 383) Bernard D. Rostker, Scott A. Harris, James P. Kahan, Erik J. Frinking, C. Neil Fulcher, Lawrence M. Hanser, Paul Koegel, John D. Winkler, Brent A. Boultinghouse, Joanna Heilbrunn, Janet Lever, Robert J. MacCoun, Peter Tiemeyer, Gail L. Zellman, Sandra H. *Sexual Orientation and U.S. Military Personnel Policy: An Update of RAND's 1993 Study*. Santa Monica: Rand Corporation, 2010, 383.

<sup>24</sup> (Schultz 2010, 188) Dr Tammy S. Schultz "The Sky Won't Fall." In *Attitudes Aren't Free; Thinking Deeply about Diversity in the US Armed Forces*, by James E Parco and David A Levy. Maxwell Air Force Base AL: Air University Press, 2010, 188.

<sup>25</sup> Dr Tammy S. Schultz "The Sky Won't Fall." In *Attitudes Aren't Free; Thinking Deeply about Diversity in the US Armed Forces*, by James E Parco and David A Levy. Maxwell Air Force Base AL: Air University Press, 2010, 188.(Schultz 2010, 188)

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<sup>27</sup> (DOD 2010, 141) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 141.

<sup>28</sup> (DOD 2010, 150) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 150.

<sup>29</sup> (DOD 2010, 140) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 140.

<sup>30</sup> (Elaine 2010, 261) U.S. Department of Defense. 2010. *Report of the comprehensive review of the issues associated with a repeal of "Don't ask, Don't tell"* Department of Defense 2010, 261.

<sup>31</sup> Barack Obama. "Remarks by the President and Vice President at Signing of the Don't Ask, Don't Tell Repeal Act of 2010." Washington D.C.: Office of the Press Secretary, December 22, 2010(Obama 2010)(Obama 2010)

<sup>32</sup> Andrew R. Milburn "Breaking Ranks: Dissent and the Military Professional." *Joint Forces Quarterly* (NDU Press), October 2010 <http://www.ndu.edu/press/breaking-ranks.html>.

<sup>33</sup> Richard H. Kohn "Always Salute, Never Resign." *Foreign Affairs*, November 2009: 1-2(Kohn 2009)

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